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# ALL MUST PAY TAXES

Illinois Supreme Court Renders an December without assessing this vast Important Decision.

13 and assess these corporations in accordance with the rules of the board in regard CHICAGO CORPORATIONS INVOLVED to the assessment of capital stock. But the board not only neglected to make the

Mandamus Issued to the State Board of Equalization.

COURT ALLEGES FRAUD

SPRINGFIELD, Ill., October 24.- The su- meant to do the very thing which the manpreme court this morning affirmed the damus required. The teachers' contention judgment of the circuit court of Sangamon was that the board was a continuing body county in what is known as the Chicago and that it had refused for years to make teachers' tax case. This, in effect, awards these assessments, and that if a mandamus a writ of mandamus against the state could not issue until after the board had board of equalization to compel it to assess adjourned it might as well never be issued at all, and there was absolutely no way to the capital stock, including franchises, of twenty Chicago corporations, the fair cash duty. The teachers' view of the case seems value of whose capital stock, including to have been sustained by the supreme franchises over and above the value of court.

their tangible property, is alleged to aggre-

gate \$235,000,000. The following are the corporations dias well to railroad corporations and every rectly affected: Chicago City Railway other corporation in the state, and may Company, West Chicago Street Railway Company, North Chicago Street Railroad Company, Chicago Union Traction Company, People's Gas Light and Coke Company, Chicago Telephone Company, Chieago Edison Company, Chicago Consolidated Traction Company, Chicago Electric Transit Company, Chicago and Jefferson Transit Company, Chicago and Jefferson Urban Transit Company, Evanston Electric Railway Company, Cicero and Proviso Street Railway Company, North Chicago Electric Railway Company, North Side Electric Railway Company, Chicago North Shore Street Railway Company, Chicago North Shore Street Railway Company, South Chicago City Railway Company, Chicago West Division Railway Company, Chicago Passenger Railway Company and North Chicago City Railway Company.

### History of the Case.

This case was instituted by the state's attorney of Sangamon county at the instance of the Chicago Teachers' Federa-It was for a writ of mandamus to compel the state board of equalization to assess the foregoing corporations which, it was alleged, have hitherto escaped taxation by the board. The court holds that the board in assessing corporations does not act as a board of review, but as an original assessor, and that the performance of its duty to assess the fair cash value of capital stock, including franchises, over and above the value of tangible property may ne enforcd by mandamus. Instead of making a proper assessment the court says that the board "arbitrarily and willfully failed to follow a proper and long-established rule in force in this state for making such as-sessments, by refusing to take into consid-eration the bonded indebtedness of said cor-They also disregarded all other rules for the making of such assessments in force at the time of the filing of this petition, and for the purpose of evading their duty sought to pass new rules for their government in making said valuations and assessments, and refused to con-sider the information then before them. furnished by the assessors, as provided by statute, and assessed the capital stock and franchises of said corporation at nominal um, instead of at the fair cash value

## Fraud Not Presumed.

"While it is true that fraud will not be presumed and that the decision of the state board of equalization in fixing the value of corporate property for the purpose of taxation is quasi-political in its nature, still when it is apparent to the court that every well-known rule for the valuation of capital stock, including franchises, has been violated and arbitrarily disregarded by the board, and such board has refused to consider the statement as to values prepared by the assessors under the statute for its use, and has refused to consider information as to the value of such corporate property submitted to it by interested parties, and has arbitrarily fixed such at a grossly inadequate sum under rules passed by it for the occasion, the court is justified in holding that fraud in making of such assessments has been established and such pretended assessments may be properly disregarded and treated as no assessment and such board be coerced by the writ of mandamus to assess such property.

## The Opinion of the Court.

The opinion quotes the order of the lower court as follows:

"And it is further considered and directed by the court that you, the said state board and the members thereof be and you are hereby commanded to convene forthwith at the capital building in the county of Sangamon, and that you there forthwith value and assess the capital stock, including the franchises, of each of said companies herein named as of April 1, 1900, in the manner provided by law, so as to ascertain and de termine respectively as to each of said corporations the fair cash value of its capital stock, including its franchise over and above the assessed value of the tangible property of such company for the year 1900. And it is further ordered that in arriving at such valuation and assessment of the capital stock, including the franchises, of said companies hereinbefore named, said beard and each member thereof shall, from the best information obtainable by it, and them, ascertain and take into consideration among other things, as to each corporation, as the same was on the first day of April, 1900, the market value, or, if no market value, then the fair cash value of its shares of stock and the total amount of all its indebtedness, except the indebtedness for current expenses, excluding from such expenses that amount paid for the purchase or the improvement of property and the assessed or equalized valuation of all tan-gible property of said corporations, respect-ively, on said April 1, 1900, and you are further commanded to direct the respective assessments so made to be certified by the said auditor of public accounts to the coun-ty clerk of Cook county, that the taxes for all purposes thereon may be extended by

## said clerk for the year 1900.

Ordered to Make Return. "You are further commanded to make re turn to this court on the 12th day of June, 1901, in what manner you have complied with this order. The court does not by its said order and judgment undertake to control the discretion or judgment of the respondents in the valuation or assessment stock, including the franchises of said corporations. It only lays down the rules of law which govern and the methods which should be pursued by the respondents in making such valuation and assessment. This we think proper.

"We have been asked by the petitioner to fix the date when a return to the writ shall be made. Such order is not necessary. Under section 32 of the Practice Act, upon filing in the trial court a certified copy of the order of affirmance the same will operate as a precedence, and that court will come reinvested with jurisdiction. may proceed as though no appeal had been taken. Finding no reversible error in this record, the judgment of the circuit court

CHICAGO VIEW OF THE CASE.

Believed There That the Decision Has Wide Effect.

CHICAGO, October 24.-The tax decision given today by the Illinois supreme court traction companies, gas companies and the New York State League.

# e Evening Star

No. 15,182.

amount of property.

000, all of which had escaped taxation pre-

viously, and was likely to be omitted again

assessment, but repealed the rules of the beard on the subject, which had been in

force for thirty years, and had been sustained by the United States Supreme Court

as the only fair and legal plan of assess

Teachers Were Right.

the teachers' case was that the mandamus

was asked while the board was still in ses-

sicn, and while it was protesting that it

lead to the collection of back taxes.

Concerning the decision of the supreme

court to compel the equalizers to list the

stocks of corporations. Attorney Greenacre, who acted for the Teachers' Federation in

the courts, said today: "The decision shows that the methods of corporations

must be open to public inspection; that the taxes of home owners will be reduced from

\$5 to \$4, and that the deficits annually con-fronting the county and city governments

will no longer appear. Streets can be im-proved, bridges built and the schools and

other public institutions maintained in a proper manner. By this decision anarch-ism in Illinois is deprived of its only ex-

CARD SHARPS ARRESTED.

Charged With Swindling an English

Tourist on a Train.

are under arrest here charged with swin-

dling J. A. Cottam, an English tourist, out

of \$280 in money and a draft for £100. The

men gave their names as W. Hailey, J.

Collins and William Clark. Several hun-

dred dollars in money and the draft, pay-

able to bearer, were found in their posses-

sion. Cottam, who is a London gentleman, says he was lured into a gome of cards

while on his way east from Denver.
It is stated the alleged confidence men

left the train after the game of cards and boarded a train following and were cap-

ALVARZ'S BAIL \$1,200.

Cuban Arrested in Philadelphia on

Warrant From Here.

dispatch from the Washington authorities.

by Detective Helan. The latter was ac-

Ebbitt House, who identified the accused.

Governor Hogg of Texas has been noti-

THE VIRGINIA CONVENTION.

sioners Discussed Today.

RICHMOND, Va., October 24.-The ses-

sion of the constitutional convention today

was devoted to a discussion of the methods

of selecting revenue commissioners. Mr.

Hancock of Chesterfield opposed the ap-

pointment of the commissioners by the cir-

cuit court judges, while Mr. Withers of

Danville supported an amendment to this

The convention declined to adopt the

amendment to the rules prohibiting grant-

ing of leaves of absence to members ex-

cept for sickness when as many as twenty

ORDERS TO COLOMBIAN ARMY.

Suggestion of Opera Bouffe in War

Minister's Latest.

COLON, Colombia, October 24, via Gal-

veston, Texas.-The war ministry at Bo-

gota has issued a notice to the effect that

unseemly conduct, disobedience of the or-

ders of superior officers, any communica-

tion with the insurgent forces, or evidence

of peculation on the part of the officers

who belong to the Colombian army, will

be punishable by the publication of the

the army of the guilty men. Dishonorable conduct on the part of certain military men

Cresceus to Trot in Kansas City.

KANSAS CITY, Mo., October 24 .- Cres-

ceus will go against his record of 2.091/2 for

a mile-and-a-half course this afternoon at

the Kansas City Driving Club's tracks. The

track and weather conditions are perfect,

and Mr. Ketcham, owner, driver and train-

er of Cresceus, expressed his belief that the

Identified His Wife's Remains.

NEW YORK, October 24.-The body of

the woman found yesterday afternoon in

the Hotel Melvin, in company with Emil

Schillinger, who had shot her and himself,

was identified today by Joseph Cadish as that of his wife. Cadish refused to give

"Young Mowatt" Defeats Tobey Irwin

Mowatt" of Chicago was awarded the de-

cision over Tobey Irwin of this city at the

end of the fifteenth round of a give con-

test before the Reliance Club of Oakland

last night. Both men put up a good, scien-

tific fight, but Mowatt was on the aggres-

sive throughout. There were no knock-downs and neither man showed any signs of

Hartman Quits the Chicago Team.

hard punishment.

SAN FRANCISCO, October 21 .- "Young

any information concerning himself or the

trotter would make a new record.

has given rise to the above notification.

misconduct and the instant dismissal from

The convention at 12:30 o'clock adjourned

effect. No conclusion was reached.

leaves are in effect.

Special Dispatch to The Evening Star.

Special Dispatch to The Evening Star.

tured by detectives.

OMAHA, Neb., October 24.-Three men

WASHINGTON, D. C., THURSDAY, OCTOBER 24, 1901-SIXTEEN PAGES.

HOME FROM CHINA.

charge of the bureau of American repub-

lics. His Chinese mission is discharged with

the single exception that he must submit

a final report to Secretary Hay, telling

what he did in China. He will not engage

Mr. Rockhill brought home a corrected

copy of the final protocol. Up to this

point the State Department has not been

in possession of that document; indeed, as

the last revision was made on September

22, when some very necessary but not very interesting changes were made in the protecols, there has not been time for the text to reach the department until Mr. Rockhill

arrived. The department bas already taken steps to have these protocols published im-

mediately for general information, for at many points the commercial world will find

matters of interest.

In connection with these sections of the

protocols, it may be noted that it was solely through the efforts of the United States

government, as exerted through Mr. Rock-

hill, that what are known as the commer-

cial concessions in the protocols were se-cured. Thus a single staple, namely, flour, was placed upon the Chinese free list, and

in view of the present large market in Chi-na for American flour, and the enormous

prospective demand to follow closer rela-tions, this one concession is regarded as of

great value. The improvements the Chinese government is pledged to make in the navigation of the Pei-Ho and other Chinese arterial rivers were also obtained entirely

through the initiative of the United States

government, and the same statement is practically true of the important reform in customs methods involved in the substi-

tution of specific for ad valorem duties

ipon goods entering China.

Although Mr. Rockhill had been named as

one of the representatives of the United States to attend the congress of American

republics now in session in Mexico City, before he departed for China, he has de-

cided that he will not attend the congress, though it was in large part owing to his

efforts that this congress was brought to-

Accompanying Mr. Rockhill is Mr. Hubbard T. Smith, who has for several years represented the State Department in Chi-

na and Japan as a consular clerk. He is on leave, though he will probably not re-turn to China, but be assigned to duty in

CALLED ON SECRETARY ROOT.

Members of the Park Commission at

the War Department.

The members of the District park com-

mission, who have been in session at the

Capitol for several days past, called at the

War Department this afternoon and paid

Secretary assured the commission of his

deep interest in the proposed development

of the local park system and promised his

hearty co-operation in the movement for

the improvement of the national capital. A

board of army engineers is now engaged in

finally considering plans for the construc-

ion of a highway bridge across the Poto-

mac, and it is expected that its report will

be submitted to the Secretary of War in a

short time. This bridge, as well as the new railroad bridge to be built by the Bal-

timore and Potomac company, will be considered by the Secretary together in con-

nection with the general plan of improve-ments submitted by the park commission.

PENALTY DUE GOVERNMENT.

Contractors for New Government

Printing Office Assessed \$17,773.

The controller of the treasury has render-

ed a decision regarding the amount of pen-

alties which are held to be due by the

Phoenix Iron Company of Philadelphia,

contractors for the iron construction of the

new government printing office. The con-

tract stipulated that a penalty of \$100 a

day should be paid the government by the

contractors for every day over six months

The decision is very voluminous, taking

up every possible ground for offset. It con-

cedes that Sundays and legal holidays

should not be charged for, and also that

delay caused by change of plans by the government should not be chargeable to

the contractors. The conclusion reached is that \$17.773.55 is due the government from

the contracting firm as penalties, and that all but \$3,473.55 of this amount is yet to be

collected or withheld, the latter amount

ATTEMPTED PENSION FRAUDS.

Cases Recently Reported to Commis-

sioner Evans.

information on the following cases:

Pension Commissioner Evans has received

Reuben Creamer, held by United States

bond for the action of the federal grand

jury, under an information charging him

winth having filed a false claim for pension.

H. H. Beach, claim attorney, pleaded

guilty in the United States district court at

Louisville under an indictment charging

him with having demanded and received

illegal fees for services in the prosecution

Charles C. Ellis of Aberdeen, Ohio, pleaded guilty in the United States district court at Cincinnati under an indictment charging him with having made a false jurat in connection with a pension claim of Ellen Taylor

George W. Clarke of Madison, Ga., plead-

ed guilty in the United States district court at Atlanta, Ga., of having fied a false claim

for pension by pretending that he served in Company G, 112th Illinois Infantry, when in fact he was at his home in Georgia dur-

ing the period of the service of the regi-ment, and tried, but failed, to enlist in the

confederate army, and was never in the army or navy of the United States.

Personal Mention.

navy, has been summoned to Boston by the

Mr. Allen, commissioner of patents, who

of Yale, is expected to return to Washing-

Mr. Chance, private secretary to Secre-

tary Root, has returned to the city from a short vacation spent in Illinois.

The New Civil Service Commission.

Mr. William Dudley Foulks, whom President McKinley appointed to succeed Major

Steamship Arrivals.

At New York-Deutschland, from Ham-

At Hamburg-Patricia, from New York.

death of his father-in-law.

ton tonight.

of pension claims.

having already been deducted.

from the time of commencing the work.

gether.

the State Department.

in any further negotiations with the Chi-

nese officials.

TWO CENTS.

by the state board, which adjourned last Mr. Roosevelt Again at the White amount of property.

The trial of the case was begun before Judge Thompson in Springfield, March 23, and the decision was handed down May 2, commanding the board to reassemble June House.

ENTIRE CABINET NOW IN THE CITY

A Large Number of Military Appointments.

What was considered the weak point in THE DELAWARE SITUATION

President Roosevelt and party arrived in Washington at 10:30 this morning, and a few minutes later the President's carriages, containing himself, his daughter, Miss Alice Roosevelt, Commander Cowles and Secretary Cortelyou, reached the White House. The special train of two private cars, the Lucania and the Princeton, pulled into the Pennsylvania station just ahead of the Federal express, of which it constituted the first section. A squad of police and detec-Broad as is the sweep of this decision in itself, its logical results are much greater, as the decision, it is said, really applies just tives and Chief Wilkie of the secret service, with several of his officers, guarded the approaches. The President had breakfasted early and was in excellent spirits. As he walked briskly down the long platform he

> engineer and fireman and bade them goodon the engine this morning, but I didn't know whether I would be permitted to. Now, next time I take a trip I want to ride on the engine."

> smilingly acknowledged the greetings of

the railroad employes. When he reached

the engine that had pulled the train from

Philadelphia he reached up his hand to the

The President was dressed in a dark gray suit and overcoat, and wore a soft black hat. Miss Alice Roosevelt, who enters the White House for the first time since her father became President, wore a red traveling dress trimmed with black braid, and

a black feather-trimmed hat. The President's eldest daughter is some what tall and slender. She has dark hair and eyes and the expression of her countenance is that of intelligence and good na-

She was assisted from the carriage this morning by her father and proceeded with him without delay to the private apart-ments of the executive mansion. Her baggage, which arrived a few minutes later, clearly indicated that she was a person of original ideas. It consisted of three wooder trunks, one was about twenty inches square, another slightly larger and of the same style and a third still larger. All bore the marks of travel, and on account of their peculiar size and shape bespoke independence of control of their peculiar size and shape bespoke independence of control of their peculiar size and shape bespoke independence of control of their peculiar size and shape bespoke independence of conventionality.

## The Return Trip.

It was announced that the journey home had been without incident. Small crowds gathered at several points along the line from New Haven and cheered the train as it passed. Only the necessary stops were PHILADELPHIA, Pa., October 24.-The made and the President spent the time quietly within the car.

Cuban, A. C. Alvarz, arrested here yesterday, charged with having robbed sev-The party was joined by Secretary Hay and Col. Theodore A. Bingham at New Haven. Capt. Jack C. Greenway, who was eral rooms in the Ebbitt House, in Washington, was arraigned before Magistrate a member of the Rough Riders, was also a Cunningham this morning and committed member of the party, and will be a guest for a hearing before a United States comof the President at the White House. missioner. Alvarz was apprehended on a All the Cabinet Here.

With the return of Secretaries Hay and The warrant was brought here last evening Root, all of the members of the President's cabinet are in the city, and the regular companied by the night watchman of the cabinet meeting tomorrow will be notable as the first at which all of the members

fied of the finding upon the prisoner of a gold watch presented to the governor by the ex-volunteer guards of Texas. A rewill be present. Secretary Long called to pay his respects to the President this morning shortly after sponse has not yet been received from that his arrival. He remained but a short time Alvarz was arraigned before United As the announcement had been made that the President would not be accessible to callers for the remainder of the week, the States Commissioner Craig later in the day

and held in \$1,200 bail for trial at Wash usual demands on his time in this respect were not made.

The President went to his office shortly after his arrival and remained there until unch time with Secretary Cortelyou and Method of Selecting Revenue Commis-Assistant Secretary Barns, clearing up the

#### accumulated work. Presidential Appointments. The following Presidential appointments

were announced at the White House to-

War-To be colonel of infantry: William Auman. To be lieutenant colonels of infantry: Charles B. Hall, Joseph W. Dundan. To be first lieutenant of infantry: James R. Goodale. To be second lieutenants of infantry: George K. Wilson, Geo. C. Shaw, Frank R. Curtis. To be lieutenant colonel in the ordnance department: Almon L. Varney. To be major in ordnance department: Ira MacNutt. To be captain in the ordnance department: John W. Joyes To be captain of cavalry: James S. Parker. To be second lieutenants of cavalry Nathaniel M. Cartmell, Casper W. Cole Granville R. Fortescue, Rowland B. Ellis Richard B. Going, Frederick J. Herman Douglas H. Jacobs, Charles Rodman Jones, Rudolph E. Smyser. To be first lieutenants in the artillery corps: Oscar D. Weed, Louis F. Buck, Michael H. Barry, Ernest R. Tilton. To be second lieutenants in the artillery corps: William H. Burt, Alfred M. Mason, William H. Wilson, John Mc-Bride, jr. To be second lieutenant of cavalry, by transfer from the infantry: George E. Price. To be second lieutenant of in-fantry, by transfer from the cavalry: Wilford Twyman. To be provisionally first lieutenant in the Philippine scouts: John Kennedy. To be second lieutenant in Porto Rico provisional regiment of infantry: Ralph E. Campbell.
Navy-To be ensigns: Frank O. Branch,

Sole Representative of Delaware. Representative Ball, who is representative-elect from Delaware, saw the President. The Delaware senatorial situation is one in which the President is greatly interested, and although Mr. Ball was reticent in stating the purport of his call, he ad-

Henry B. Soule, Francis Martin.

Owing to the deadlock in the Delaware legislature, which has remained unbroken for nearly two years, no United States senator can be elected.

A successor to Senator Gray has never been seated, and the term of Senator Kenney expired March 3 last. This leaves Mr. Ball as the sole representative of the state

mitted the keen interest which President

Roosevelt was taking in the matter.

in Congress, and incidentally in Congress, and incidentally places the matter of patronage in a very interesting situation. One of the most lucrative federal offices in the state, that of collector of the port at Wilmington, has been vacant for some

There are several candidates for the places, but the fight, it is understood, has narrowed down to the claims of Robert G. Houston and Daniel Barnard. The former is being backed by Representative Bell while the latter is the candidate of Mr Maddox. Mr. Bell said he could not eluci date the Delaware situation, that it seemed to be impossible for the people of Delawar

to do that task.

Ellis Glenn Case to Be Appealed. PARKERSBURG, W. Va., October 24 .-Gov. A. B. White has confirmed the report that the state will appeal on question of jurisdiction from the decision rendered by the United States circuit court for the northern West Virginia district releasing Ellis Glenn, and taking her from the juris-diction of the criminal court of Wood

SPECIAL COMMISSIONER ROCKHILL The Admiral Before the Court of Inquiry. No Further Duties Except to Prepare

Final Report-Will Not Attend STORY OF THE CAMPAIGN OF 1898 Pan-American Congress.

Special Commissioner W. W. Rockhill called at the State Department this morning and reported his arrival in Washington Captain Clark of the Oregon Doto Acting Secretary Hill and Assistant Secscribes the Battle. retary Adee. Mr. Rockhill has resumed

UNUSUAL ATTENDANCE

Every available unreserved seat in the large room in the gunners' work shop at the navy yard, where the Schley court of inquiry is sitting, was occupied half an hour today before the court was called to order at 11 o'clock. The announcement of the approaching close of the case and of the possibility that Admiral Schley would take the witness stand during the day had the effect of increasing the public interest and of bringing to the court room a larger number of persons than could be conveniently accommodated and a far larger number than could hear the proceedings.

The interest in the proceedings was never so great as today, if the attendance in the court room is evidence of the popular interest being taken in it. Before the court met at 11 o'clock all tickets for seats within the railed portion of the room had been given out. Those tickets call for reserved seats, and have been distributed by Lieut.



Real Admiral W. S. Schley.

their respects to Secretary Root. During Crawford, secretary to Admiral Dewey. the short conversation which followed the The seats in the part of the room open to the public generally were also all taken up and the open space back of them affording standing room filled with spectators. Window sills afforded standing room for those in the rear of the room who wished to see

the court over the heads of the crowd. When the session began a number of yesterday's witnesses were usual, for the correction of testimony, and after they had concluded Lieut. Commander Charles H. Harlow continued his testimony. He had concluded his statement-in-chief when the court adjourned yesterday, and he was immediately taken in hand to day by Capt. Lemly for cross-examination This was devoted principally to the notes taken by Mr. Harlow of the battle of July 3 from the Vixen's deck, but was not very extended. Capt. Charles E. Clark, whose record on the Oregon during the campaign of '98 is the boast of every American citizen, was then called. After he had concluded Admiral Schley

took the stand.

Dispute Over a Dispatch. When Lieut. B. W. Wells, jr., flag lieutenant to Commodore Schley on the Brooklyn, was recalled to certify the correctness of the report of his testimony previously given, he was asked by the judge advocate in relation to a dispatch which appears in cipher in the commodore's letterbook and which he was asked to translate for the court this morning. He had made a trans-lation of this dispatch. It was prepared to be sent by the commodore to the departnent, but it was never transmitted. Objection was made to it as not proper evidence.

Mr. Hanna claimed, if the commodore nad stated the centents of his dispatch without writing it down, there could have been no doubt about admitting it. Then it would have been something, he said, as ndicating his purpose.
Mr. Rayner addresses the court, saying

that on a previous occasion a report of Commodore Schley, which it was desired to put in, had been excluded. It was not permitted to go in as evidence because it had not been sent.

Mr. Hanna desired to question the wit-

less to bring out the contents of this dispatch by having him testify to a conversa tion he had with the commodore in regard Mr. Rayner insisted that counsel could commissioner at Tampa, Fla., under \$500

not get in a roundabout way what he was not allowed by the court to get in a direct Mr. Hanna-"Our attitude is the same as f this had been merely a conversation with

ommodore Schley.' His purpose, he said, was to develop the ircumstances connected with this matter. Admiral Dewey consulted with other members of the court, and announced that hey didn't want that kind of evidence. He vanted facts, and not any intentions that might have been developed. Mr. Hanna-Unless the witness remem

bers the conversation. Admiral Dewey-No; we don't want it. Mr. Hanna-That dispatch appears in the oress copybook of Commodore Schley.

Admiral Dewey-We don't wish to have anything to do with the dispatch. The dis-

Maj. Murphy corrected his testimony of yesterday so as to say that the vessels of the flying squadron in steaming back and harbor at Santiago had gone only about 800 yards to each side of the harbor in-stead of 1,500 yards, as stated yesterday.

Maj. Murphy Narrates an Incident. In response to a question by Mr. Rayner. Admiral Bowles, chief constructor of the Maj. Murphy detailed an incident in which Commodore Schley figured at the close of the battle of July 3. Major Murphy said: "I remember the incident distinctly, behas been attending the sesqui-centennial cause it made a very great impression on me at the time. It was when they were preparing a cutter to take Capt. Cook to the Colon to receive the surrender of that ship. She had hauled down her flag and was ashore. The officers and many of the tion to accord the gallant commander of was ashore. The officers and many of the men were gathered forward in the neighborhood of the forecastle, and Commodore Schley addressed the men, cautioning them not to cheer when the Spanish captain came on board. He spoke of their gallantry, that they had made a good fight, and that they should not be humiliated; that we should treat them chivalrously and not humiliate them by cheers. It was a gallant speech, and we all felt it very deeply. The commodore made the same speech about midnight of the same day when we were ranging alongside the Iowa, and we had learned that Admiral Cervera and his officers were on board that ship. It afterward developed that Admiral Cervera heard Commodore Schley make the remark and John B. Harlow as a member of the civil service commission; is expected in Washington tonight or tomorrow, when the exact date of Major Harlow's retirement; will be

electric companies, whose total capital stock was estimated to be worth \$368,000,- PRESIDENT'S RETURN RETURNS WITH PROTOCOL SCHLEY TESTIFIES he appreciated it very much, so we were

Commander Harlow Cross-Examined Maj. Murphy was then excused and Comnander Harlow called. Capt. Lemly asked him about the coaling of the ships of the flying squadron May 25 and 23. He said that on the 25th no one would have attempted to coal ship, and that without experience coaling could not have been unperience coaling could not have been undertaken on the forenoon of the 25th.

The notes taken by himself during the battle of July 3 did not, he said, give the exact time consumed by the Brooklyn in making its turn, but showed that time to be less than twenty-five minutes. When asked to state how long a time clapsed after the Spanish vessels came out of the harbor before they turned to the westward the witness said that the time was only such as would have been consumed in going a few ships' lengths.

ships' lengths. In reply to a question from Capt. Lemly, the witness said that he remembered the incident of Commodore Schley's transfer-ring his flag from the Brooklyn to the Mas-

sachusetts May 31, for the purpose of making a reconnoissance, the Vixen having been used for that purpose. He had, he said, seen the commodore both going and coming and had spoken to him on his return.
"What, if anything, was said when returning about the guns that were discovered or developed?" "A remark was made, I think, by myself that at any rate we had developed the bat-

teries. Commodore Schley replied that 'that was what we went in for.' A remark was also made by Commodore Schley about a ten-inch gun on a disappearing carriage, which we did not believe. We found afterward the disappearing carriage was a tree." The Commodore's Bearing.

"What was the manner and bearing of

commodore Schley upon this occasion?" "Commodore Schley looked badly, and as would have suspected from a man who probably had been up a great deal at night and laboring under a great deal of feeling of responsibility. From the impression at the time he seemed to be seriously affected by the situation as a result of his watching

and feeling of responsibility."
"Have you ever said in regard to this matter and at this time that he was worried over the situation, that there is no doubt but what Schley was worried over the situation and afraid to take the re-sponsibility?" "I said that in my own private notes, my

diary, as my opinion at the time."

Mr. Rayner called attention to this answer and said that the witness' opinion was

Admiral Dewey—"The question was emi-nently proper. The answer went a little too far. Answer that question not from The witness-"Of course, I shall have to limit my reply to that by saying he looked The witness added that he did not

know from what cause. After argument by counsel on both sides, in which Capt. Lemly referred to Mr. Rayner as the "would-be governor of Mary-land," the witness said that he had referred in his testimony to a letter which he had written to the judge advocate. He was then asked if Commodore Schley was ner-

Notwithstanding that Mr. Rayner objected, the question was admitted and the witness answered that he was not nervous. A similar reply was made to a question as to whether the commodore was excited.

Course of the Brooklyn, ald: "I saw the Brooklyn

the Colon. I was in a position to see a limited only by a reasonable educational flash and shortly afterward the fall of the projectile, and these showed that a large proportion was about the Brooklyn. The Colon evidently was using smokeless powder and I was not able to tell so well where her shots fell." The witness said he was satisfied that the fire from the Brooklyn set the Viscaya on fire and caused her to run ashore. There

was no other American ship within range of the Viscaya at that time, he said. The Maria Teresa, the witness said, was driven ashore by the concentrated fire of all the ships of the American fleet. The Oquendo was so far in the rear he could not estimate what vessels caused her destruction.

Questioned by the Court.

In response to a question by the court Commander Harlow said that the Vixen was able to maintain the standard speed of nine knots an hour while with the fleet in the voyage from Cienfuegos to Santiago. He also said in response to a question by the court that with searchlights the Vixen was near enough to the mouth of the har- and two railway stations. The men were bor at Santiago to see the enemy's ships in case of an effort at escape.

The court also asked: "Were there any vessels of our fleet between the Brooklyn and the Spanish vessels at any time prior to the turn made by the Brooklyn?" "No, I should say there was not." witness also said that he did not con-

sider that the Texas was near enough to



Capt. C. E. Clark,

the Brooklyn at the time of the loop to render a collision liable, and that hought the Viscaya made an effort to ram. Lieut. Harlow was then excused and Capt. C. E. Clark of the Oregon called. Capt. Clark Testifies.

When Captain Charles E. Clark, who commanded the Oregon during the war with Spain, went upon the stand there was slight shuffling of feet as if preliminary to applause, but strict orders had been given this morning to permit no demonstrations of any kind on the part of the audience, and this slight effort was promptly checked. There was a murmur of voices around the room as Captain Clark took his seat, and there seemed a general inclina-

the Oregon some special demonstration of the admiration of many of those who were present.

Mr. Rayner proceeded to examine the witness and first asked him to give an account of the naval battle of Santiago as far as it fell under his observation and to state as nearly as he could the movements of the Brooklyn and of his own ship, the of the Brooklyn and of his own ship, the Oregon, in connection with the Brooklyn.

"At the time we discovered the Spanish ships coming out," said Captain Clark, "our fleet closed in at once, each ship having been ordered to keep ahead directly toward the harbor entrance. The Spaniards turned to the westward and our ships swung in the same direction—in pursuit. Both sides began firing promptly and the dense smoke soon obscured the vessels mak-

(Continued on Second Page.)

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Election in Chicago Today Result of a Compromise.

## THE OLD MEN ARE RE-ELECTED

Resolution Adopted Eulogizing Late President McKinley.

ALSO FOR HOME RULE HERE

Special From a Staff Correspondent.

CHICAGO, Ill., October 24.-The election of officers was the special order for today in the national encampment of the Union Veterans' Union, and there was a full attendance of delegates.

Last night there were many conferences . held, and early today some of the state delegations got together in the interest of harmony. As a result all the candidates that had been originally proposed by various delegations were dropped and the old officers were re-elected unanimously. They are as follows: Robert St. George Dyrenforth, commander-in-chief; William S. Morgan of Illinois, first deputy national commander, and F. B. Hutchinson of New York, second deputy national commander. Each was enthusiastically cheered and each made a happy speech of acceptance, pledg-ing efforts for harmony and predicting a great increase in the membership during the next year.

#### Action on Resolutions.

Several resolutions presented to the encampment and referred to the committee were reported and favorable action was taken on one containing a warm eulogy of the late President McKinley and a strong denunciation of anarchy, the teaching of which made assassination of the nation's ruler possible. A resolution coming from the division of the Potomac in regard to suffrage in the District of Columbia was laid on the table. The resolutions declared that inasmuch as the people of the District of Columbia were in 1874 deprived of the right of local self-government and a form of government under which they have neither voice nor influence forced upon them without their consent, and as the present form of government in the capital of the republic, the political heart of the nation, is contrary to the most fundamental interest of the capital of the republic of the most fundamental interest of the stabilists. principles of American liberty, to establish which our revolutionary forefathers pledged their lives, their fortunes and their sacred honor, and waged a successful seven-years war, and as the ballot is the people's most effective weapon, deprived of which they are powerless to peaceably redress their grievances, therefore,

For New District Government. Resolved, That it is the sense of this aa-

tional encampment of Union Veterans' Union that Congress should re-establish in Describing the course of the Brooklyn the District of Columbia a government reduring the battle of July 3, the witness publican in form and in harmony with the spirit and institutions of our returning almost the entire fire of the two government of the people, by the people leading ships with an occasional shot from and for the people, based on free suffrage, test, under the Australian system of voting. A resolution setting out the full purposes of the order in detail, and what it was hoped could be accomplished for the ben-efit of the Union Veterans, was adopted. At a campfire last night the chief ad dresses were made by Senator Wm. E. Ma-son and Gen. Jno. S. Morgan. The senator denounced some phrases of the civil service law which barred the old soldiers from positions of watchmen, messengers and skilled laborers, and ridiculed the examination provided for applicants for such places. Gen. Robt. E. Wilson of the Division of the Potomac was one of the speakers, as was Gen. Green B. Raum, ex-commission

#### RUNNING FIGHT WITH BURGLARS. They Had Robbed Post Office at Centerburg, Ohio.

COLUMBUS. Ohio. October 24.-Last night officers discovered the five men who yesterday looted the Centerburg post office seen near the Delaware county fair grounds. When the officers gave chase the burglars ran east along the Big Four railroad. An engine was secured by the officers, but the burglars took refuge in the woods. Later one of the searching party of twenty-five men came upon two of the burglars hiding behind a log. When the posse approached within a hundred yards they began to run. The officers opened fire, and one burglar immediately threw up his hands and fell.

The other man continued to run, and though so seriously shot he fell three times he kept up a desperate fight with his shot-gun. In the darkness he managed to escape, although he is undoubtedly seriously injured. The captured man fell the bullets and was not shot. He gives his name as George Morris and says he is from Columbus.

At the police station Morris attacked Sheriff Schaeffer like a maniac, and had to be knocked down three times before he gave up. He refused to talk. A picket line has been formed around the woods where the other burglars are supposed

FATAL FIRE AT GLOUCESTER, MASS. Tenement House Burns, Causing Death of Two Persons.

GLOUCESTER, Mass., October 24.-Two lives were lost, one person was badly injured and damage amounting to \$1,500 resulted from a fire in this city early today. The dead are: Mrs. Margaret White, aged fifty, and Rod-

ney Snow, aged fifty-eight years. Both were lodgers with Mrs. Hayes, occupant of the building. She was badly burned in trying to rescue Mrs. White. Snow was a longshoreman. His home was in Ipswich, where he had a family. White was an invalid and a widow. Mrs. Hayes, while painfully burned, will

ENGLAND EXPECTS TROUBLE.

War Office Makes Preparations to Call LONDON, October 24 .- An error committed by some of the provincial police has led to the premature leaking out of the fact that the war office contemplates the possible contingency of having to call out every

volunteer in the country. The war office

has distributed to the police offices throughout the kingdom bills ordering all reservists, militia, yeomen and volunteers to report themselves without delay to headquarters, with the view of active service. These bills are accompanied by letters or-dering that the bills be kept in a safe place

until telegraphic orders to post them up are received. The police of Lancaster overreceived. The police of Lancaster over-looked the letter and posted the bills, causing widespread perturbation.

No Further Trouble at Sumar. MANILA, October 24.-General Hughes elegraphs from the Island of Cebu, reporting that there has been no trouble in the Island of Samar since the fight at the Gandara river.

General Smith is busy increasing the garrisons in Samar and preparing for active measures.

#### ST. LOUIS, October 24.-Manager Donsvan of the St. Louis National League club announces that he has signed Fred Hartman of the Chicago American League team relates to twenty-three local corporations to play third base. Donovan has also enjoying municipal franchise, including signed John O'Niel of the Utica team of